App. F. IX-4

193 (Mizrai)

File No. 277-30

Serial Nos. 3 + 4.

Previous References

Mem 277-30 Sh 1-2
" 53-28 Sh 1-8
" 223-4-1-7
" 53-28 - 9-15
" *Later References*
53-28-16-17

Survey 62.31-(1.20)

General and Revenue Secretariat.

Serial Nos. 2

Part B for June 31

SUBJECT.

[illegible]

[illegible]

General and Revenue Secretariat — File No. [illegible]

Serial No.

Letter no 3445/210-1931
dy 12/5/31 from the Secretary to the Hon'ble the Resident in Mysore, P. Capal
Stating inter alia in Circumstances,
stated therein steps may be taken
to repair the Tamarind channel
bank in Erabellenagaram Inam
Village - Chittoor District.

7 (1) Vide para 4 of Mis 223-29-7
page 17 of the collection - Repairing the bank
is stated to be devolving on the lessee.
M-e was accordingly informed in this office
letter no 337 dy 14. 8. 30.

(2) Madras Govt in the Rev Deptt
now say that they cannot legally take action
against the lessee in the matter of having the
bank repaired and that the responsibility rests with this Section
with Govt of Mysore -

(3) The cost of repairs is estimated
B. at Rs 2230/—

MSK
G.S 14/5/31

4 The legal position as stated by the Madras Govt that they cannot proceed against the Lessee but hold the Mutt (represented by the D. C. Kolar as the Agent) responsible

(placed on the Cabinet)

NOTE—Cover Sheet.

WD 03558—GPB—50,000—8-7-30

may perhaps be verified by the Legal Remembrancer The Mur. Court has to be consulted if sufficient surplus funds can be made available for the repair of the Tank.

H. Secy) 14.5.31

For perusal.

The L.R will be requested to offer his opinion in the light of the communication from the Madras Govt.

(Sl. Member) 14 5.31

1735

6) 15/5/31

7) There is nothing to show whether the action suggested by the Legal Rem. in his opinion dt 25.11.28 was taken * A.

Since the question is said to be about the Reg. line & the Magistrate states that they cannot collect the cess for repairs, the Municipal Chairman has to effect the repairs & avoid an unnecessary controversy

General and Revenue Secretariat — File No — of 19

Serial No.

361
Land

"The Landholders in Control of the tank" is purchased unexplained by Madras as the Instt, and not the lessee. The Amildar has not enquired with the Collector & satisfied him as suggested in 1928.

D.M. 18/5/31

2) Ans sent with Comps

OFFICE OF THE ... 1828

1st Instance

9) 9/5/31.

10) Please let me see the Madras Ry Protection Act 1866.

Mrc, 21/5/31

11) Copy issued from the Asst to L R & forwd up. Page 8751 onwards —

12) A reply based on legal opinion of 25-11-95 may be sent — The permanent Nature of the lease need not be mentioned — It is enough to refer to the arrangement as one of lease of which one condition that the lessee shd keep the tank in good condition

Asst 22/5/31 Supdt

A.

1854
21/5

1520

Mu2 File No. 277 of 1930-1 | General and Revenue Secretariat

1) D/L called for in para 13 subd
Cs Mar 22/5 First Member) 1) VS 22.5.31

MAY 1931 1894

This is an important matter. Please send the fete thro H Secy (Mu2). The draft requires revision. Mar. 2/6/31

17) Chan draft h 30/5

OFF FIRST M. 31 MAY 1931 No 2138

1st Member) h 31/5

18) [illegible]

19) Issue as min h 31/5

VS 2.6.31

No Rec 1187 of 2.6.31 to the Secretary to the Resident in Mysore Bangalore stating that the lessee of Errabettagyanna Inam village be looked to for requisite repairs to the Tambu Chavadi tank in the said village. Action thereon.

Cs 2/6/31

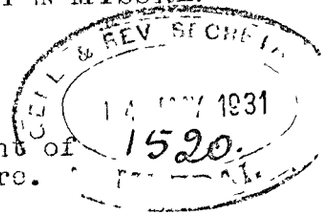
For 1350.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 3645 Encl. 2 & Plan & Estimate
210-1931.

Mys 277-30-3.

FROM
Captain G. Kirkbride,
SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.



To
The Financial Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, May 1931.

Subject.

The Madras Railway Protection Act, 1886 - Kangundi Zamindari, Chittoor District - Errabettayanur village - Jambucheruvu tank - Repairs.

SIR,

I am directed to forward a copy of a letter from the Secretary to the Government of Madras, Revenue Department No. 2054 B/30-9, dated the 28th April, 1931 (with enclosures), regarding the execution of repairs to a tank (known as the Jambucheruvu tank) which are considered necessary for the safet of the Madras & Southern Mahratta Railway line running through the Chittoor District in the Madras Presidency. I am to request that, in the circumstances explained, the Government of Mysore will, if they see no objection, be so good as to take measures to have the tank repaired at their early convenience.

2. It is requested that a reply to this letter may be forwarded at an early date and that the plans and estimates enclosed herewith may kindly be returned.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

Letter No. 2054 B/30-3, dated the 28th April, 1931, from the Secretary to the Government of Madras, Revenue Department, to the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

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Railway Protection Act, 1886 - (Chittoor) - Kangundi Zamindari - Errabettayanur village - Jambucheruvu tank - Repairs.

Errabettayanur is an inam village lying within the limits of this Presidency. It is endowed for the upkeep of the "Avanisvamulavari Mutt" in the Mysore State, and the Mysore Government are managing the Mutt. The Deputy Commissioner of Kolar district is the agent of the Mysore Government for the management of the mutt. In this village there is a tank known as the Jambucheruvu which affects the Madras and Southern Mahratta Railway. As it was in such a condition as to endanger the safety of the railway, the agent of the mutt was required by written notices issued by the Collector of the district under the provisions of the Madras Railway Protection Act 1886 (Madras Act IV of 1886) to carry out the repairs necessary for the protection of the Railway. The Financial Secretary to the Government of His Highness the Maharaja of Mysore, to whom the Deputy Commissioner referred the matter, stated in his letter No. 22 Muz. dated 6th July 1930 that the Collector should look to the lessee to whom the village had been given on lease by the Mutt for putting the tank in order. This Government however are advised that they cannot legally take action against the lessee and that under the provisions of the Madras Railway Protection Act the responsibility for repairing the tank is on the Mutt (represented by the Government of Mysore through the Deputy Commissioner, Kolar District) which is the land-holder having control over the tank. In these circumstances it becomes the duty of this Government to issue a proceedings as in the enclosed draft. This Government, however, are naturally reluctant to take this step, and in order to obviate it I am to request you to ask the Government of Mysore to be good enough to take measures to have the tank repaired at their early convenience. The plans and estimates showing what repairs are

necessary

necessary are also forwarded. It is requested that they may kindly be returned with your reply.

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Draft Order.

Whereas the Jambucheruvu tank in inam Errabettayanur village, Chittoor district is reported to be in such a condition as to endanger the safety of the Madras and Southern Mahratta Railway line, and whereas the land-holder having control over the said tank, the Agent, Avaniswamulavari Mutt, Mulbhal Taluk, Kolar District, Mysore Province has failed to carry out the measures specified in the Collector's order, on being called upon to do so by notice issued in accordance with the provisions of section 7 of the Madras Railway Protection Act, 1886, (Madras Act IV of 1886) the Governor in Council in exercise of the powers conferred by section 9 of the said Act, is hereby pleased to direct that the said measures be carried out by Government agency in the Public Works Department, and that steps be taken in accordance with the provisions of the said Act to recover the cost incurred in the execution of the said measures from the said land-holder.

2. The Collector of Chittoor is requested to communicate a copy of this order to the said land-holder, and to publish it in the Chittoor District Gazette.

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"C O P Y"

SUPERINTENDENT, RESIDENT'S OFFICE.

BJ

Pol. 115 & Revenue (8

Draft. Mwz 277-30-4.

To 22-6-31

The Secretary to the Hon'ble
the Resident in Mysore, Bangalore.

S i r,

Subject.- Repairs to Jambucheruvu tank.

I am directed to acknowledge receipt of your letter No. 3445/210-1931 dated 12th May 1931 forwarding copy of a letter of the Madras Government regarding the execution of repairs to the Jambucheruvu tank, Errabettayya nur Inam Village, Chittoor District, and to state as follows:-

~~It is a fact that~~ The management of the Avani Mutt properties is, for the time being under the control of the Mysore Government, but under the lease executed by the late Swami in favour of one Govinda Setti, a resident in British Territory, the Inam village in question continues to be in the possession of the lessee.

There is an express covenant in the lease deed that the entire charges for repairing the tank should be borne by the lessee and not by the Matha.

So long as the lease is subsisting this Government are of the opinion that the responsibility for executing the necessary repairs rests not on ~~the present Swami or this Government~~ the Mutt or the Lessee but on the lessee of the village who should be looked to for the requisite repairs to the tank being executed as being "the landholder in possession of or having control over the works named". Vide, Section 6 of the Madras Railway Protection Act IV of 1886

I am also to add that the resources of the Matha are very slender and that there are practical difficulties in this Government taking measures to have the tank repaired.

The plan and estimate received with your letter is herewith returned.

In the circumstances explained above, I am to state that this Government do not see their way to comply with the ~~wishes~~ requisition of the Madras Government. The plan and estimate received with your letter ~~is~~ are herewith returned.

I have etc.,

30/5/31

Financial Secretary to Govt.